

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
COURT FILE NO. 12-498 DSD/AJB**

Chase Gelakoski,

Plaintiff,

v.

Colltech, Inc.,

Defendant.

AFFIDAVIT OF RAY COSTELLO

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNIPEN)

Ray Costello, being first duly sworn upon oath, states:

1. I am the CEO and an Owner of Colltech, Inc. ("Colltech") and have personal knowledge of the facts stated in this affidavit. I am authorized and qualified to testify as Colltech's custodian of records.

2. Colltech is a debt-collection company with its principle place of business located in Plymouth, Minnesota. As part of my responsibilities as owner, I am charged with ensuring compliance with state and federal statutes regarding debt collection such as the FDCPA. To ensure compliance, Colltech has a detailed training and testing with regard to these statutes for new employees, which includes, but is not limited to, classroom training on state debt-collection laws at the beginning of employment. Additionally, Colltech periodically reviews, educates and tests current employees to ensure continued compliance. Colltech conducts reviews of collectors as well as random

reviews of files, all to ensure compliance with state and federal laws. Additionally, I keep abreast of changes in case law and communications from the American Collectors Association and other organizations to stay informed and current on how courts have interpreted the provisions of the debt collection laws and how this affects Colltech.

3. Colltech maintains an electronic recording log system which documents all of its collection activities. Each time an account is reviewed or a letter is sent the log system automatically records the entry into the recording system. Colltech employees also make notations regarding phone conversations they have with debtors. The collection log, or collection notes, detail such communications and attempts. The entries are made at the time of the activity by the employee engaged in the activity and are documented in Central Standard Time. The notes are made and kept in the ordinary course of business and are relied upon by Colltech to be accurate in conducting its business. The collection notes set forth the date and time of the activity as well as a short description of the activity. The date, time, and activity are automatically entered by the system. Colltech employees are unable to alter or delete entries after the date on which the entry is made. A copy of the account history report for this matter is attached to this Affidavit as Exhibit A. I can personally attest to the fact that all communications or attempted communications regarding this debt to the Plaintiff were documented and listed on the attached account history report.

4. As detailed on the account history report, Colltech was assigned a debt from Dakota Electric Association. The unpaid telephone bill was in the original amount of \$316.81.

5. In preparation for this Affidavit, I have reviewed the collection notes pertaining to this matter. Based upon my review of the account history I can testify about the collection activity of Colltech as it concerns Plaintiff's allegations. The account history reveals that an initial collection letter was sent to Plaintiff on November 19, 2010. See letter attached as Exhibit B. Shortly thereafter, Colltech also began attempting to reach the Plaintiff by telephone.

6. Colltech never called Plaintiff's cellular number.

7. Colltech placed a total of nine phone calls with Defendant.

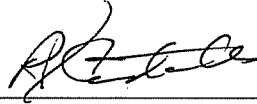
8. During a telephone call on February 10, 2011, Plaintiff claimed that the debt had been paid in full and Colltech then offered to provide an itemized statement. The itemized statement was sent to Plaintiff and was dated April 26, 2011. Plaintiff never informed Colltech that the debt was a "possibly fraudulent debt."

9. Colltech does not own an auto-dialer and never contacted Plaintiff using an auto-dialer.

10. Colltech mailed Plaintiff an initial collection letter dated November 19, 2010.

11. On January 30, 2012, Colltech received notice that a lawsuit was to be filed. At that time, Colltech ceased all additional communications with the Plaintiff.

12. In summary, Colltech actually tried calling defendant a total of nine times. All attempted phone calls were made during regular hours.



Ray Costello

Subscribed and sworn to before me
this 4th day of September, 2012.



Notary Public

